IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 14888 of 2004

Between:

Alavala Thripuramma, W/o. Late Subba Reddy,
Rajupalem, Thripuranthakam Mandal,
Prakasam District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Prakasam District.
2 The Mandal Revenue Officer, Thripuranthakam Mandal.
3 D. Rama Devi W/o. Narayana Reddy
R/o. Rajupalem Thripuranthakam Mandal, Prakasham District.
(R-3 is impleaded as per C.O. Dt. 14.9.2004 in WPMP.No. 21105 of 2004.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction particularly in the nature of mandamus or any other appropriate writ, declaring the proceedings in RCH/1561/2004, dated 13-8-2004 on the file of the 1st respondent as illegal, void and arbitrary.

Counsel for the Petitioner:MR.V.R.AVULA

Counsel for the Respondent Nos.1 and 2: GP FOR REVENUE

Counsel for the Respondent No.3 : SMT.K.ARUNA

The Court made the following :

ORDER:

Heard both sides and at their request the main writ petition itself is taken up for disposal.

The petitioner herein, who is a Fair Price Shop Dealer, filed this Writ Petition, inter alia, seeking to assail the impugned orders suspending the petitioner's licence, pending enquiry.

The case of the petitioner is that she has been holding the dealership since the year 1995 without any complaint and subsequently her husband passed away in the year 2003 and she is doing the business to the utmost satisfaction of the respondents. However, in pursuance of an inspection conducted on 03-08-2004 having found certain irregularities, the impugned orders were passed on 13-08-2004 suspending the petitioner's dealership and appointing the contesting respondent viz., 3rd respondent herein as temporary dealer. The case of the petitioner is that the allegations as made against her are very trivial and are not of serious nature and she filed the explanation on 09-09-2004 in respect of show cause notice issued on 18-08-2004, and no enquiry has been conducted. Hence, the Writ Petition.

This Court granted interim suspension on 23-08-2004. The 3rd respondent has filed the vacate stay petition, apart from the counter-affidavit filed by the authorities.

Having heard the Counsel on either side and on perusal of the material since the impugned orders were passed pending enquiry and the petitioner has already filed explanation in respect of the show cause notice issued on 18-08-2004, it is not necessary to go into the merits of the case, it would suffice in the interest of justice to direct the respondent No.1 herein to conduct the enquiry and pass final orders within a period of two weeks from the date of receipt of a copy of this order.

Subject to above, the Writ Petition is disposed of. No costs.

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B.PRAKASH RAO, J.

Dated 09-11-2004.

Note: Issue C.C. in three days.

B/O

SKMR

To

1 The Revenue Divisional Officer, Prakasam District.
2 The Mandal Revenue Officer, Thripuranthakam Mandal.
3. 2CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

4. 2CD copies